

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Nadler, *et al.*

SERIAL NUMBER : 09/830,400

EXAMINER : Ewoldt, Gerald R.

FILING DATE : July 20, 2001

ART UNIT : 1644

FOR : CANCER IMMUNOTHERAPY AND DIAGNOSIS USING UNIVERSAL
TUMOR ASSOCIATED ANTIGENS, SUCH AS THE TELOMERASE
CATALYTIC SUBUNIT (HTERT), AND METHODS FOR IDENTIFYING
UNIVERSAL TUMOR ASSOCIATED ANTIGENS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified application are the following documents:

1. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or an Amino Acid Sequence Disclosures dated October 6, 2004 (3 pgs);
2. Response to Notice to Comply (1 pg);
3. Paper Copy of the Sequence Listing (15 pgs);
4. Computer Readable Form of Sequence Listing (1 disk);
5. Statement to Support of Computer Readable Form (1 pg);
6. Petition for Extension of Time (1 pg);
7. Check No. 19840 in the amount of \$225.00 for extension fee;
8. Supplemental Preliminary Amendment (3 pgs); and
9. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Applicants believe that no additional fees are due in connection with this submission. However, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 20363-015NATL. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEQ, P.C.
Tel: (617) 542-6000
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Customer No. 30623

Dated: December 29, 2004

Date of Deposit: December 29, 2004



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RESPONSE TO NOTICE TO COMPLY

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (the "Notice") mailed October 6, 2004, Applicants submit herein a substitute computer readable form (CRF) copy of the "Sequence Listing", a substitute paper copy of the "Sequence Listing", a Statement in Support of Computer Readable Form Submission, a Supplemental Preliminary Amendment and a copy of the Notice. Also enclosed is a Petition for Two Month Extension of Time and a check in the amount of \$225.00 to cover the petition fee under 37 C.F.R. §1.17(a)(2). With the two-month extension of time, the response is due on or before January 6, 2005.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20363-015NATL.

Respectfully submitted,

December 29, 2004

Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,400	07/20/2001	Lee M. Nadler	50059/007002	7028

7590

10/06/2004

IVOR R. ELRIFI
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ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

EWOLDT, GERALD R

ART UNIT PAPER NUMBER

1644

DATE MAILED: 10/06/2004



Please find below and/or attached an Office communication concerning this application or proceeding.

Done By	fm
<input checked="" type="checkbox"/> Data Entry	11/6/04
<input checked="" type="checkbox"/> Docket Entry	4/6/05
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

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MINTZ LEVIN, BOSTON
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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0904

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The communication filed on 10/09/03 is not fully responsive to the Office communication mailed 9/26/03 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Specifically, all sequences in the specification, e.g., page 47 must be identified by SEQ ID NO:.

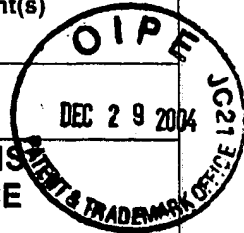
APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (571) 272-0843. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

Please Note: Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/30/04**G.R. EWOLDT, PH.D.
PRIMARY EXAMINER**

Notice to Comply	Application No.	Applicant(s)	
	Examiner	Art Unit	



NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". *if necessary*
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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